

(1) Sixtieth Account and Report of Trustee Created Under the Will of James M. Wells, Deceased, (2) Petition for Allowance of Fees to Trustee and (3) Petition for Approval of Accounting for the Year 2012 (Prob. C. 17200)

		RICHARD D. WELLS , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/1/12 thru 12/31/12	
Cont. from		Accounting - \$432,880.05	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$328,426.91	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$ 41,045.85	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Trustee fees - \$3,825.00	
<input checked="" type="checkbox"/>	Notice of Hrg	(63.75 hours x \$60/hour per declaration; for ordinary and routine management of trust property)	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	Attorney fees - paid	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	Petitioner prays for an order:	
<input type="checkbox"/>	Duties/Supp	1. Approving, allowing and settling the 60th account; and	
<input type="checkbox"/>	Objections	2. Approving the sum of \$3,825.00 as payment to Petitioner as a fair and reasonable fee for services rendered during this account period as Successor Trustee.	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCC/JEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 5/24/2013
			Updates:
			Recommendation:
			File 1 – Wells

Atty Boyett, Deborah K. (for Petitioner/Conservator Raymond Lynch, Jr.)

Atty Fanucchi, Edward L. (court appointed for Conservatee)

Petition for Order Authorizing Payment of Fees to Attorney for Conservator and Court-Appointed Attorney for Conservatee (Prob. C. 2640)

Age: 80 years		RAYMOND LYNCH, JR., Conservator, is petitioner. Petitioner was appointed Conservator of the Person and Estate on 12/3/2012 with bond set at \$39,798.00. Declaration of Attorney states the conservatee has an annual income of \$15,180.00. Inventory and appraisal filed on 1/25/2013 shows cash in the estate totaling \$15,603.97 as of 8/23/2012. Petitioner requests the court allow attorney fees be paid from the conservatorship estate for 27.90 hours @ \$235.00 to \$250.00 per hour for a total of \$6,750.50. Services are itemized by date and include review and drafting of documents, conferences and correspondences with client and court appearances. Petitioner requests he be allowed to pay the attorney for reimbursement of costs totaling \$930.50 for filing fees, recorder fees and certified copies. Petitioner further request that he be allowed to pay attorney fees for the court appointed attorney Edward Fanucchi. Mr. Fanucchi's billing statement is attached. Mr. Fanucchi requests fees for 3.5 hours @ \$200.00 per hour for a total of \$675.00.	NEEDS/PROBLEMS/COMMENTS: 1. Mr. Fanucchi's billing statement includes a charge for .50 hours (\$75.00) for appearance at the hearing on 12/3/12. Minute order from the hearing on 12/3/12 indicates Mr. Fanucchi did not appear on 12/3/12 stating in relevant part, "The Court is informed by the Clerk that Mr. Fanucchi's Office called to inform the Court that everything had worked itself out and there were no objections."
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 5/24/13
Updates:
Recommendation:
File 2 – Lynch

Petition for Termination of Conservatorship

			LYDIA M. KING, temporary conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Petitioner was appointed temporary conservator of the person and estate on 2/22/2013.	
Cont. from			Petitioner states as appointed temporary conservator she did not take control of any assets.	
	Aff.Sub.Wit.			
✓	Verified		The Conservatee died on 3/9/2013.	
	Inventory			
	PTC		Petitioner prays for termination of the conservatorship of the person and the estate.	
	Not.Cred.			
✓	Notice of Hrg		W/	
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 5/28/2013	
			Updates:	
			Recommendation:	
			File 3 – King	

Age: 19		NO TEMP REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
Cont. from 042413					
	Aff.Sub.Wit.				
✓	Verified			Court Investigator advised rights on 4-9-13	
	Inventory			Voting rights affected – need minute order	
	PTC			Minute Order 4-24-13: Continued to 5-30-13 at request of counsel.	
	Not.Cred.			As of 5-24-13, nothing further has been filed. The following issue remains:	
✓	Notice of Hrg			1. The Capacity Declaration is incomplete at many of the sections, which may be necessary for the Court to make the necessary determination under Probate Code §1881. The Court may require a more complete evaluation.	
✓	Aff.Mail	W			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	W			
	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
✓	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: skc	
	Status Rpt			Reviewed on: 5-24-13	
	UCCJEA			Updates:	
✓	Citation			Recommendation:	
	FTB Notice			File 4 – Long	

Takeo Kunishige DOD: 10-14-12		PAMELA KUNISHIGE , Daughter, is Petitioner. TOBY KUNISHIGE HARRISON , Daughter, is Respondent. Petitioner states Takeo Kunishige, as trustor, and Toby Kunishige, purportedly acting as agent for Miyoko Kunishige, appear to have executed a document dated 10-14-10 purporting to create an irrevocable trust known as the Takeo & Miyoko Kunishige Irrevocable Family Trust (attached) that provides that after the decedents' deaths, the trust estate is to be distributed one-third to Petitioner and two-thirds to Respondent. Further, the trustee is authorized "to make adjustments to the final distribution" if Petitioner does not divide the sale proceeds from a residence located at 33331 N. Hulbert in Fresno "consistent with the provisions of this Trust." Petitioner states the decedents had conveyed the Hulbert residence to Petitioner by Warranty Deed executed 10-2-04, reserving life estates to themselves. Petitioner states Takeo apparently signed a document purporting to be his will and dated 12-14-10 that leaves his tangible personal property equally to his children, and would pour-over the residue to the Purported Trust. By will dated 7-30-07, Takeo made modest provisions for his grandchildren and then favored Petitioner with the residue. Petitioner contends that Takeo's Purported 2010 Will is invalid, but that issue is not yet before the Court, as no one has petitioned for it to be admitted to probate. Petitioner is aware of two wills executed by Miyoko: <ol style="list-style-type: none"> 1. 7-19-05 Holographic Will leaves estate equally to Petitioner and Respondent after providing certain gifts to grandchildren. 2. 6-1-10 document purports to be Miyoko's will, which would leave everything to her husband, or if he does not survive her, to her grandchildren equally. 	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner states the only person entitled to notice is Respondent; however, Respondent indicates that others may be entitled to notice (Affirmative Defense #7) and includes additional parties in service: - Julie J. Walker (of Kennedale TX) - Michael D. Harrison (of Roseville, CA) - Mitchell T. Harrison (of North Las Vegas, NV) According to the Trust, upon the death of the survivor: "It is the express intent of the Trustors that eventually all of the Trust Estate equally to the three (3) grandchildren." The distribution, however, is to be made to Petitioner and Respondent. Therefore, the grandchildren may be entitled to notice as beneficiaries of the trust pursuant to Probate Code §17201, and the Court may require continuance for proof of service of Notice of Hearing at least 30 days prior to the hearing on the three grandchildren.																																																																			
Miyoko Kunishige DOD: 6-30-12 <table border="1"> <tr><td></td><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td>X</td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>W</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td>✓</td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>					Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg	X	✓	Aff.Mail	W		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp		✓	Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation		
	Aff.Sub.Wit.																																																																					
✓	Verified																																																																					
	Inventory																																																																					
	PTC																																																																					
	Not.Cred.																																																																					
✓	Notice of Hrg	X																																																																				
✓	Aff.Mail	W																																																																				
	Aff.Pub.																																																																					
	Sp.Ntc.																																																																					
	Pers.Serv.																																																																					
	Conf. Screen																																																																					
	Letters																																																																					
	Duties/Supp																																																																					
✓	Objections																																																																					
	Video Receipt																																																																					
	CI Report																																																																					
	9202																																																																					
✓	Order																																																																					
	Aff. Posting																																																																					
	Status Rpt																																																																					
	UCCJEA																																																																					
	Citation																																																																					
	FTB Notice																																																																					

SEE ADDITIONAL PAGES

Petitioner requests the Court rescind and nullify the Purported Trust on the following grounds:

1. **Lack of Capacity:** At execution, neither decedent was of sound and disposing mind and had capacity to understand the nature of their actions in executing the Purported Trust, understand and recollect the nature and situation of their property, or remember and understand their relations to their family members.
2. **Lack of Authority:** The Purported Trust was purportedly executed on behalf of Miyoko by Respondent as agent for Miyoko. Petitioner through counsel has requested a copy of the power of attorney that Respondent relied on, and none has been provided. Petitioner believes Respondent had no authority to execute the Purported Trust on behalf of Miyoko, and further, to the extent that she did have such authority, such action to favor herself personally was a breach of her fiduciary duty owed to Miyoko and should therefore be set aside.
3. **Undue Influence:** The Purported Trust was executed as a direct result of undue influence exerted by Respondent over Takeo, consisting of:
 - Respondent occupied the position of Takeo's advisor and bookkeeper for several years before his death and had a confidential relationship with Takeo, who reposed trust and confidence in her. Respondent handled Takeo's financial affairs.
 - At the time the Purported Trust was signed and at the time of Takeo's death, he was aged (nearly 94 when he purportedly signed the Purported Trust), and informed, and suffering from memory loss, and as such, was easily influenced and controlled by Respondent.
 - Respondent actively procured the Purported Trust as part of a plan aimed at obtaining more of her parents' estate than what her parents intended.
 - The disposition of the Decedents' estates as provided in the Purported Trust confers an undue benefit on Respondent.
 - By virtue of Respondent's exertion of undue influence over Takeo, Respondent holds title as trustee to trust assets (Exhibit B) as well as all income therefrom as constructive trustee fbo the person entitled to distribution of the Decedents' estates.

Petitioner prays for an order:

1. **Finding the Purported Trust void due to the incapacity of the Decedents;**
2. **Finding the Purported Trust void due to the Respondent's lack of authority to sign it on behalf of Miyoko;**
3. **Finding the Purported Trust void due to the undue influence of Respondent;**
4. **Declaring that Respondent holds the assets of the Purported Trust in trust for the persons entitled to distribution of the estate of Decedents;**
5. **For costs herein; and**
6. **For such other orders as the Court may deem proper.**

Response filed by Toby Kunishige Harrison filed 5-21-13 denies that the Trust or Respondent's actions were purported and states the Trust speaks for itself and specifically provides that the distribution to Petitioner and Respondent are fbo the Settlor's grandchildren, the children of Petitioner and Respondent.

SEE ADDITIONAL PAGES

Respondent denies that the Settlers intended to convey their residence to Petitioner in 2004.

Respondent has insufficient or no knowledge of the existence or validity of a Will of Takeo Kunishige dated 7-30-07 or a Will of Miyoko Kunishige dated 7-19-05 as referenced in the petition and alleges that the Settlers executed various wills during their lifetime including wills prepared by either Petitioner or Petitioner's daughter that did not reflect the testators' true intent. Other wills executed by the Settlers are not relevant to the Irrevocable Trust other than demonstrative of the Settlers' intent as to their children and grandchildren.

Respondent offers 14 affirmative defenses:

1. **Failure to State a Cause of Action.** Petitioner does not state facts sufficient to constitute a cause of action against Respondent.
2. **Unclean Hands.** The acts, errors and omissions of Petitioner constitute unclean hands, therefore barring any relief.
3. **Waiver.** Petitioner has waived any and all claims set forth in the Petition against Respondent.
4. **Estoppel.** By reason of Petitioner's actions, Petitioner is estopped from pursuing the claims in the petition.
5. **Offset.** In the event Petitioner is granted relief under the petition, any amount recovered is offset by the amount owed to the estates of Takeo and Miyoko Kunishige.
6. **Unjust Enrichment.** Petitioner will be unjustly enriched if the Trust is declared invalid.
7. **Failure to Join Necessary Parties.** Petitioner has failed to join all persons and parties needed for a just adjudication of this action.
8. **Laches.** Petitioner has not brought and served suit in a timely manner, but rather has delayed bringing and serving suit until a substantial time after her knowledge of the alleged causes of action accrued, to the prejudice of Respondent, and thus, this action and any purported claim is barred by the doctrine of laches.
9. **Justification.** Any conduct of Respondent is justified on account of the acts, errors, and omissions of Petitioner.
10. **Statute of Limitations.** The causes of action stated and set forth in the petition were not timely filed and are barred by the applicable statute of limitations set forth by California law, California Code of Civil Procedure, California Civil Code, California Probate Code, and the California Government Code.
11. **Superseding Cause.** Petitioner is barred from recovery by reason of acts or omissions of Petitioner and/or others which acts or omissions constitute an intervening and superseding cause of Petitioner's damages, if any there be.
12. **Failure to do Equity.** No relief may be obtained against Respondent by reason of Petitioner's failure to do any equity with respect to the matters alleged in the petition.
13. **Advancement.** No relief may be obtained against Respondent by reason of Petitioner's receipt of advancements from Settlers prior to creation of the Trust.
14. **Other Defenses:** Respondent presently has insufficient knowledge or information on which to form a belief as to whether additional affirmative defenses may exist and accordingly reserves the right to assert additional affirmative defenses in the event discovery indicates they would be appropriate.

Respondent prays that the Court:

1. **Deny the Petition to find the Trust void;**
2. **Deny the Petition for a declaration that Respondent holds the assets of the Trust property in trust for the persons entitled to distribution of the Estates of Takeo and Miyoko Kunishige;**
3. **For reasonable costs and attorneys' fees herein according to law; and**
4. **For any and all other relief the Court deems just and proper.**

Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 03/24/2013		MICHAEL JOHN PEREZ , son/named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 04/24/1990 Codicil: 09/16/1993 Residence: Firebaugh Publication: The Fresno Bee <u>Estimated value of the Estate:</u> Personal property \$1,900,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: 1. Attorney did not sign the petition. 2. Need Order. Note: If the petition is granted status hearings will be set as follows: • Friday, 11/01/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 08/01/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg w/		
<input checked="" type="checkbox"/>	Aff.Mail		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV Reviewed on: 05/24/2013 Updates: Recommendation: File 6 – Perez	

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 04/09/2012		SCOTT WORTHINGTON , son/named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 03/03/2009 Residence: Clovis Publication: The Business Journal <u>Estimated value of the Estate:</u> Personal property - \$211,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted status hearings will be set as follows: • Friday, 11/01/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 08/01/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			s/p
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: LV
Reviewed on: 05/24/2013
Updates:
Recommendation: Submitted
File 7 – Worthington

DOD: 02/14/2013		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Matter continued to 06/12/2013 at the request of Attorney Bagdasarian.</u></p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		<p>Reviewed by: LV</p> <p>Reviewed on: 05/24/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Brar</p>

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 1-29-04		MARGARET GREEN was appointed Administrator with full IAEA with bond of \$10,000.00 on 5-25-04.	NEEDS/PROBLEMS/COMMENTS:
		Inventory and Appraisal filed 10-21-04 reflected a total estate value of \$95,000.00 consisting of real property at 255 West Hawes Ave. in Fresno.	<u>Minute Order 1-25-13:</u> Ms. Green informs the Court that she still has the house. Matter continued to 4/25/13. The Court directs Ms. Green to meet with Court Examiner forthwith.
Cont. from 113012, 012513, 042513		Notice of Proposed Action filed 4-1-05 indicated intent to sell for \$153,000.00 cash.	<u>Minute Order 4-25-13:</u> Matter continued to 5-30-13. Court directs Ms. Green to meet with Court Examiner forthwith.
<input type="checkbox"/>	Aff.Sub.Wit.	No further action occurred in this estate until 9-4-12 when Attorney C. Michael Farmer filed a Substitution of Attorney.	<u>As of 5-24-13, nothing further has been filed.</u>
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	The Court then set this status hearing for failure to file a first account or petition for final distribution and sent notice to the Administrator at 255 West Hawes.	1. Need first account or petition for final distribution.
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		<u>Note:</u> Administrator Margaret Green is the surviving spouse, and Decedent also had six children. At the time of appointment, five of the six children were adults and waived bond; however, the minor heir lacked capacity to waive bond. Therefore, the bond of \$10,000.00 was requested as that was the estimated share of the minor heir.
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		Reviewed by: skc
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		Reviewed on: 5-24-13
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		Updates:
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		Recommendation:
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		File 9 - Green
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition to Fix Residence Outside the State of California (Prob. C. 2352)

Age: 3		<p>ADRIANNE MOUTON, Maternal Aunt and Guardian, is Petitioner.</p> <p>Petitioner was appointed Guardian on 7-25-11.</p> <p>Father: Patrick Burns Mother: Natasha Collins Paternal Grandparents: Unknown Maternal Grandfather: Unknown Maternal Grandmother: Melinda Collins</p> <p>Petitioner requests the Court authorize that the residence for the minor be fixed outside the State of California to the State of Nevada, address not yet determined, to provide a better environment for the minor as well as Petitioner's own children. Petitioner states she will be able to gain better and higher paying employment and opportunity to allow for greater physical, mental and financial stability.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Notice of Hearing. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §§ 2352(c), 1460, 1511: <ul style="list-style-type: none"> - Natasha Collins (Mother) - Patrick Burns (Father) - Melinda Sue Collins (Grandmother) - Paternal Grandparents The Court may require clarification regarding the location (city) in Nevada and address <p><u>Note: If granted, the Court will set status hearing for the filing of a petition for guardianship in the appropriate Court in Nevada, as well as the filing of a Notice of Change of Residence with appropriate service to relatives pursuant to Probate Code §2352(d) and (e) on FRIDAY 10-4-13.</u></p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: skc</p> <p>Reviewed on: 5-28-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Collins</p>				

Age: 3 years Cont. from <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 15%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Aff.Mail</td> <td style="text-align: center;">W/</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td></td> <td>Letters</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	W/		Aff.Pub.			Sp.Ntc.			Pers.Serv.		✓	Conf. Screen			Letters		✓	Duties/Supp			Objections			Video Receipt		✓	CI Report			9202		✓	Order			Aff. Posting			Status Rpt		✓	UCCJEA			Citation			FTB Notice		<p style="text-align: center;"><u>THERE IS NO TEMPORARY.</u> <u>No temporary was requested.</u></p> <p>RHONDA MORRIS, paternal grandmother, is petitioner.</p> <p>Father: NATHANIEL LODEN IV</p> <p>Mother: ALEXA MILLER – consents and waives notice.</p> <p>Paternal grandfather: Nathaniel Loden III – served by mail on 4/8/2013. Maternal grandfather: Benito Miller – served by mail on 4/8/2013. Maternal grandmother: Marie Morris – served by mail on 4/8/2013.</p> <p>Petitioner states the minor has resided with her the majority of her life. Both parents have a history of substance abuse and instability.</p> <p>Court Investigator Jennifer Young's Report filed on 5/22/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Nathaniel Loden IV (father)</p>
	Aff.Sub.Wit.																																																																						
✓	Verified																																																																						
	Inventory																																																																						
	PTC																																																																						
	Not.Cred.																																																																						
✓	Notice of Hrg																																																																						
✓	Aff.Mail	W/																																																																					
	Aff.Pub.																																																																						
	Sp.Ntc.																																																																						
	Pers.Serv.																																																																						
✓	Conf. Screen																																																																						
	Letters																																																																						
✓	Duties/Supp																																																																						
	Objections																																																																						
	Video Receipt																																																																						
✓	CI Report																																																																						
	9202																																																																						
✓	Order																																																																						
	Aff. Posting																																																																						
	Status Rpt																																																																						
✓	UCCJEA																																																																						
	Citation																																																																						
	FTB Notice																																																																						
		Reviewed by: KT Reviewed on: 5/28/2013 Updates: Recommendation: File 11 – Loden																																																																					

Age: 17 years	<u>THERE IS NO TEMPORARY.</u> <u>No temporary was requested.</u>	NEEDS/PROBLEMS/COMMENTS:
	BEVERLY HARRIS , great aunt, is petitioner.	This matter has not been reviewed by an examiner based on the court investigator's recommendation.
	Father: MARVIN HARRIS	
Cont. from	Mother: VERONICA JO REPPERGER	
Aff.Sub.Wit.	Paternal grandparents: Unknown	
Verified	Maternal grandfather: Joe Repperger	
Inventory	Maternal grandmother: Diane Horner	
PTC		
Not.Cred.		
Notice of Hrg	Court Investigator Jennifer Daniel's Report	
Aff.Mail	filed on 5/8/2013.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		Reviewed on: 5/28/2013
Aff. Posting		Updates:
Status Rpt		Recommendation:
UCCJEA		File 12 – Repperger
Citation		
FTB Notice		

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 16		GENERAL HEARING 7-22-13		NEEDS/PROBLEMS/COMMENTS:	
		ANDREA V. RODRIGUEZ, Non-relative (friend), is Petitioner.		1. Need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on the father, <u>or</u> declaration of due diligence <u>or</u> consent and waiver of notice on: - Father (not listed)	
		Father: NOT LISTED		Note: "Rene Verdin" signed the Consent and Waiver of Notice; however, it is unclear who this person is, as the name is not listed in the petition. Is Rene Verdin Destiny's father?	
		Mother: MARIA M. GONZALEZ		2. Petitioner's Confidential Guardian Screening Form is missing attachments to #3 and #10. Need clarification.	
		- Consents and waives notice			
		Paternal Grandfather: Not listed			
		Paternal Grandmother: Not listed			
		Maternal Grandfather: Not listed			
		Maternal Grandmother: Not listed			
		Siblings: Andreas Jamie Sifuentes (age not listed)			
		Petitioner states the parents are homeless and she feels it is best that Destiny is with her. She and her husband can provide for her financial and medical support. Destiny has lived with Petitioner since January 2013. Both Mother and Minor consent and waive notice.			
Aff.Sub.Wit.				Reviewed by: skc	
✓	Verified			Reviewed on: 5-28-13	
	Inventory			Updates:	
	PTC			Recommendation:	
	Not.Cred.			File 13 – Sifuentes	
	Notice of Hrg	X			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
	Conf. Screen				
✓	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				

Atty Nuttall, Natalie R. (for Brook A. Castle – Granddaughter - Petitioner
 Atty Rindlisbacher, Curtis D. (Court-appointed for Proposed Conservatee)

Petition for Appointment of Temporary Conservatorship of the Person and Estate

Age: 90		TEMP GRANTED EX PARTE EXPIRES 5-30-13		NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Temp Conservatorship and additional orders were granted as prayed on an ex parte basis per Order 5-17-13. 1. Petitioner requests appointment without bond; however, pursuant to Cal. Rules of Court 7.207, all conservators of the estate must furnish bond, including cost of recovery per Probate Code §2320(c)(4). If required, bond should be \$31,790.00. <u>HOWEVER, it appears that the funds at issue are subject to and held in a living trust.</u> Please note that trust matters cannot be addressed and no orders can be made within this Conservatorship case.
		GENERAL HEARING 7-1-13		
		BROOK A. CASTLE , Granddaughter, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate without bond, but with all accounts blocked.		
		Proposed Conservatee Patricia (Patty) Stott nominates Petitioner as Conservator without bond.		
		Petitioner also requests that the Durable Power of Attorney for Finance of Patricia G. Stott, dated 12-2-12, be revoked in its entirety, and that the 30-day notice sent to Green Gables Assisted Living in Clovis be revoked in its entirety.		
		Estimated Value of Estate: Personal property: \$ 2,500.00 Annual income: \$ 26,400.00 Total: \$ 28,900.00 Cost of Recovery: \$ 2,890.00 Total Bond: \$ 31,790.00		
		Petitioner states: Patty is 90 years old and has lived at Green Gables Assisted Living in Clovis since October 2012. Patty's husband passed away in 1999, and her son Timothy, Petitioner's father, passed away in July of 2012. Her granddaughters, Timothy's two daughters, Brook (Petitioner) and Molly, also live in Clovis and are close to Patty.		
		Patty has nominated Brooke to be her conservator because she is being badgered and controlled by her stepson, Jim, who lives in Washington state. Patty is not able to stand up to Jim and feels intimidated to the point that she gives in to his wishes and orders. He has been known to cause Patty to become visibly upset.		
		Petitioner states Jim recently caused Patty to change her Trust to name Jim as sole acting trustee, as well as give Jim Power of Attorney. He recently sent a 30-day notice to her residence that she will be moving to Woodland Hills in Southern California at the end of this month (May 2013). Patty has no plans or desire to move there, where she has no relatives or acquaintances.		
		SEE ADDITIONAL PAGES		
Aff.Sub.Wit.				
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	w		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCC/JEA			
	Citation			
	FTB Notice			

Page 2

Petitioner states that in December 2012, Jim informed Brooke of the POA, and in February 2013 Jim informed Brooke that Patty had revised her trust, revoking her original trust, as executed between Patty and her husband in 1986.

Further, in March 2013, Jim "fired" Patty's longtime financial advisor, Joe Rinaldi of Quantum Financial Advisors, through which Patty had an account at Charles Schwab. **Upon doing so, Jim transferred approx. \$550,000.00 from Patty's account into his own bank accounts. It is unknown at this time where these funds are now located or if they have been spent.**

Petitioner states Patty then revoked Jim's POA on 3-23-13, giving Brooke POA, but it is feared that Jim will again force Patty to change her POA to him. Conservatorship is necessary because without it, Jim is able to force Patty to sign testamentary documents which put Jim in control of not only her finances, but where she lives. Temporary Conservatorship is necessary to revoke the 30-day notice to her residence and to protect Patty's estate assets to see that they are not misappropriated or further depleted.

Court Investigator Jennifer Daniel filed a report on 5-21-13.

DOD: 4/6/2012

NEEDS/PROBLEMS/COMMENTS:

File 15 – Burgess